

April 22, 2015

Mr. Jack Pace  
Director DCD  
City of Tukwila  
6300 Southcenter Blvd., Suite 100  
Tukwila, WA 98188

Re: *Code Interpretation Regarding Allowed Use in Tukwila Urban Center, Transit-Oriented Development District*

Dear Mr. Pace:

Our client, RLB Holdings Sports & Entertainment, LLC, is interested in developing a multi-purpose arena facility in the City of Tukwila that would be constructed and operated entirely with private funds. Our client has reviewed multiple sites and is conducting due diligence appropriate to an investment of this significance to determine the viability of this project. In the course of our client's due diligence and before submitting project applications, our client requests a code interpretation to confirm our understanding that the facility is permitted in the Transit-Oriented Development (TOD) District of the Tukwila Urban Center (TUC), under the new Southcenter Subarea Plan and implementing zoning regulations.

Provided below is additional background information and a statement of the issue upon which we seek a formal Code Interpretation of Tukwila Municipal Code (TMC) 18.28.050 and Table 18-2, as provided for under TMC 18.96.020. A check for the required land use fee is attached.

### **I. Background Information**

The project concept is for a multi-purpose arena facility that would host a variety of functions, including spectator sports events, concerts, and other events. The multi-purpose facility would be designed to host possible future sporting events, regional corporate events and conventions/trade shows. The facility will be designed with exhibit space, meeting rooms, and ballrooms and would include administrative offices, accessory parking, and possibly accessory retail and restaurant uses.

The site under consideration is located in the TOD District, east of the Green River between the railroad tracks north of the Sounder Station and east of West Valley Highway. In the TOD District, cultural facilities including performing arts centers are permitted outright and convention and exhibition facilities are permitted outright east of the Green River. The use table does not specifically address a spectator sports use. While the program of uses for any such facility could vary, it is anticipated that an event center of this type could have up to 230 events per year, and the spectator sports events would likely be only about a third of the

overall events. Thus, the event types that will occur on the majority of days are those clearly allowed by code.

## **II. Code Interpretation Request**

We request that the Director provide a Code Interpretation confirming that a multi-purpose arena facility that hosts a variety of functions as described above, including spectator sports events, is a permitted use in the TOD District under TMC 18.28.050.

### **A. Code Interpretation Criteria**

The zoning code use provisions for the TUC are provided in the form of a table of "Land Uses Allowed by District." TMC 18.28.050, Table 18-2. Within the Table, the districts run across the top row, and uses are organized by category down the left-hand column. If allowed within a District, the use is listed as Permitted (P), Accessory (A), Conditional (C), or Unclassified Use Permit (UUP) within that district's column. All permitted uses for a single district are allowed either alone or in combination with any other permitted uses within a parcel. TMC 18.28.050.3.

The Code provides that:

Other uses not specifically listed in this title are permitted should the Director determine them to be similar in nature to and compatible with other uses permitted outright within a District, consistent with the stated purpose of the District, and consistent with the policies of the Southcenter Plan.

TMC 18.28.050.4. Because the spectator sports use is not specifically identified in the table, this request analyzes it under the criteria specified at TMC 18.28.050.4.

### **B. Conformance with Code Interpretation Criteria**

#### **1. The multi-purpose arena use is similar to and compatible with other uses permitted outright in the TOD District.**

A facility such as the one proposed with spectator sports events is both similar to and compatible with the other uses permitted outright in the zone.

##### **a. Similarity**

The proposed facility is essentially an entertainment and exhibition use. In the TOD District, the facility can be most closely compared with exhibition facilities and performing arts centers (PACs), which are permitted outright. The facility also shares attributes of Commercial Indoor Recreation Facilities ("Commercial IRFs"), being a retail commercial use with a recreation focus. Commercial IRFs are retail uses permitted outright in the TOD

District. Exhibition facilities, Commercial IRF and PACs share many traits with the proposed facility. They all host events of various sizes and provide recreation and entertainment opportunities. They all draw attendance regionally, as well as from the immediate area. Transit service is important to support regional attendance, so a location close to transit in a TOD zone is extremely important, but all of these venues also require parking. Especially important in the TOD District, it will contribute vibrancy to the urban form and activate street life, complementing other transit-oriented development that the City desires to attract to this new District.

**b. Compatibility**

An arena use would be compatible with the other uses in the zone, such as the foregoing described exhibition facilities, PACs, and Commercial IRFs. In addition, it would be highly compatible with commercial office, lodging and higher density residential uses. An arena would directly support lodging and many retail uses. A variety of commercial endeavors and entertainment uses are desired in this mixed-use urban center because they will contribute to a rich urban environment and attract investment. The proposal would likely foster growth envisioned by the Subarea Plan. Importantly, the arena use does not generate many negative attributes that jurisdictions often seek to exclude from high density residential areas, such as odors, monotonous industrial form, or continuous noise impacts associated with some manufacturing.

**2. An arena use is consistent with the stated purpose of the TOD District.**

The TOD District is intended to provide a more compact and vibrant mix of housing, office, lodging, and supportive retail and service uses. Parking is to be provided by a combination of off- and on-street spaces/lots. The overall structure of the TOD District will be characterized by moderate development intensities and building heights. A fine-grained network of streets with pedestrian amenities will increase walkability. TMC 18.28.040.B.2.

The proposed facility will create an anchor presence within the TOD District that will support the compact and vibrant mix of housing, lodging, and supportive retail and service uses desired for the District. Locating the arena within the TOD District allows it to be within walking distance of the Sounder commuter station, consistent with the stated purpose. The spectator sports events and affiliated concert and convention/exhibition uses would attract investment and spur development of other commercial and residential uses to implement the vision of a mixed-use urban center. Overall, the use is very consistent with the stated purpose of the TOD District.



3. **An arena use is compatible with the policies of the Southcenter Subarea Plan generally and for the TOD District in particular.**

The proposed use is also highly compatible with the Southcenter Subarea Plan, which describes the community intent for the Tukwila Urban Center to include the following:

- *Bolster the Southcenter area's market position as the primary regional shopping and entertainment center for South King County.*
- *In the area surrounding the Sounder commuter rail/ Amtrak Station, consider a **special opportunity area** that could develop at even greater intensities with a wider variety of uses, such as regional serving entertainment and retail.*

SSP at 4 (emphasis added).

- *The community will leverage the rail station and bus transit center to **bring new investment** to the previously underutilized properties within walking distance of these facilities.*
- *The overall structure of the TOD Neighborhood will be characterized by **higher development intensities and building heights** close to the Tukwila Station, lower-rise buildings along the river, increasing again to higher development intensities and heights where the district overlaps with the edges of the Regional Center.*

SSP at 19 (emphasis added).

In addition to community intent, the proposed use is consistent with the policies and objectives in the Southcenter Subarea Plan relevant to Tukwila's redevelopment strategy for the TUC in general, and the TOD District in particular:

- ***Promote investment in full range of retail and entertainment in Southcenter.** Create framework that accommodates the widest possible range of investment...*
- *Provide incentives for **higher intensity projects in the northern Southcenter area** to make the most of high development potential of the area.*
- ***Improve walkability.***
- *(TOD) Leverage the new bus transit center and refurbished Sounder commuter rail station to **stimulate investor interest in developing a transit-oriented, mixed-use housing, retail and office neighborhood in Southcenter.***

SSP at 31-33 (emphasis added).

The arena proposal is compatible with all of these policies. It accomplishes private new investment in the TOD District as envisioned by the Southcenter Subarea Plan. An arena proposal meets the Southcenter Subarea Plan's intent to "bolster Southcenter area's market position as primary regional shopping and entertainment center for South King County." *See* SSP 1.2.1, p. 4. The local and regional draw of arena events meets the description of the Southcenter Subarea as being "the city's primary commercial hub, drawing customers from within the community and all over the Puget Sound region." SSP at 4.

The arena will serve not only the immediate Tukwila community, but also the Puget Sound area, and it is proposed for a location close to a regional highway and transit center. It adds a new entertainment draw to the Southcenter area, one that meets both local and regional demand. Its location will be walkable for future residents of and visitors to the TOD and those who use regional transit to attend events.

The arena use provides private investment compatible with planned public investment intended to serve as a catalyst for redevelopment. *See* SSP at 13. The arena use would potentially be located in the area between the railroad tracks north of the Sounder Station and east of West Valley Highway, which is targeted for redevelopment in the SSP. This location of the arena in the northeastern quadrant of the Southcenter subarea accomplishes the intended redevelopment of "low density development surrounded by parking." *See* SSP 1.3, p.5.

The SSP foresaw assembling properties in this area to create a "special opportunity district" with mixed use development including housing, office, and "regional serving retail and entertainment." *See* SSP at 21. An arena use fits this vision, with the development being the type of commercial entertainment enterprise that fulfills the SSP goals for the area. The proposal can easily be envisioned as the "special opportunity" that Tukwila was anticipating for this compact urban development hub, and it can serve as the catalyst that spurs investment in the remainder of the subarea to complete the vision of the Southcenter Subarea Plan for a mixed use urban center.

### III. Conclusion

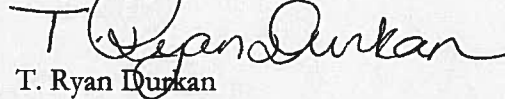
The proposed facility is similar to and compatible with the other uses permitted outright in the TOD District, and the multi-purpose arena is consistent with the stated purpose of the TOD District and the policies of the Southcenter Subarea Plan.

We request a Code Interpretation confirming that a multi-purpose arena facility that hosts a variety of functions as described above, including spectator sports events, would be a use permitted outright in the TOD district under the Tukwila zoning code.

Mr. Jack Pace  
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Please let us know if you need further information.

Very truly yours,

  
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